

**REMARKS****I. INTRODUCTION**

Claims 1-25 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

**II. THE 35 U.S.C. § 102(c) REJECTION SHOULD BE WITHDRAWN**

The Examiner has rejected claims 1, 3-6, 8-11, 13-16 and 18-24 under 35 U.S.C. § 102(c) as unpatentable over U.S. Pat. No. 6,637,029 to Maissel et al. (hereinafter “Maissel”). (See 4/10/07 Office Action, p. 2).

Maissel is directed toward a system for providing customization of an electronic programming guide by an intelligent agent. The system includes a television network for transmitting and receiving program schedule information, viewer preference profiles, and an intelligent customizing agent for programming schedule information, at least in part, on the viewer preference profile. (See Maissel Abstract). The system takes information from a viewer preference profile to customize the electronic programming guide. After receiving the programming guide information, the system customizes the display that receives the programming information to the specific profile of the person using the system. (See Maissel col. 3, ll. 1-8; col. 6, ll. 19-25).

Claim 6 recites, “a graphical feature of each graphical element depending upon a relevance of the associated item to specified criteria, wherein the graphical element is dynamically updated in response to any change to the specified criteria or the search pool.” The Examiner states that this recitation of claim 6 is disclosed in Maissel. (See 04/10/07 Office Action p. 2). Applicants respectfully disagree.

The Examiner asserts that the graphical element from claim 6 is equivalent to the icon-based system in Maissel. However, while both employ a graphical element, what the icons

represent in the claimed invention is different from what the icons represent in Maissel. In Maissel, the system uses an icon-based guide generator to display information to the user. The icons are static images used to represent information including parental controls, the subject matter of the television show, a specific period of time, or listings of a particular series of programs. (See Maissel col. 14, ll. 3-6; col. 20, ll. 48-50; col. 20, ll. 57-59; col. 20, ll. 65-66). In contrast, the graphical element recited in claim 6 is not a static image based on the criteria above. The recited graphical element dynamically changes depending on the relevance of the specific item to the specified criteria. For example, a particular icon may be used to display all shows that match the search criteria exactly, while another may be used to display all shows that are similar to the search criteria. So while the system as described in Maissel will have the same icons associated with a show such as “Friends,” i.e. comedy, parental rating, show time, etc., the recited graphical element dynamically changes depending on how it relates to the specified criteria or the search pool, as recited in claim 6<sub>(u1)</sub>” Thus, it is respectfully submitted that Maissel does not teach or suggest “a graphical element dynamically updated in response to any change to the specified criteria,” as recited in claim 6. Because claims 7-10 depend from and, therefore, include all the limitations of claim 6, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Independent claims 1 and 16 recite “a graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria, wherein the graphical element is dynamically updated in response to any change to the specified criteria or search pool.” Applicants submit that these claims are allowable for at least the reasons stated above with respect to claim 6. Because claims 2-5 depend from and, therefore, include all the limitations of claim 1, and claims 17-20 depend from and, therefore include all the limitations of claim 16, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Independent claim 11 recites “a graphical feature of each graphical element depends upon a relevance of the associated item to specified criteria, and wherein the graphical element is dynamically updated in response to any change to the specified criteria or search pool.” Applicants submit that his claim is allowable for at least the reasons stated above with respect to

claim 6. Because claims 12-15 depend from and, therefore, include all the limitations of claim 11, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

### **III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN**

The Examiner has rejected claims 2, 7, 12 and 17 under 35 U.S.C. § 103(a) as unpatentable over Maissel in view of U.S. Pat. No. 5,982,369 to Sciammarella et al. (hereinafter "Sciammarella"). (See 4/10/07 Office Action, p. 4).

Sciammarella describes a method for displaying, on a screen of a computer, images representing search results. The user initiates a search in a database and the search results are responsive to said search. Images corresponding to the search are varied in size corresponding to matches to the search criteria; the relevance of said image is indicated by its proximity to the keyword. The display operation is equivalent to two simultaneous searches using Boolean operators. (See Sciammarella Abstract).

Applicants submit that Sciammarella does not cure the above-described deficiencies of Maissel with respect to claims 1, 6, 11 and 16. Because claim 2 depends from and, therefore, includes all the limitations of claims 1, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 7 depends from and, therefore, includes all the limitations of claims 6, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 12 depends from and, therefore, includes all the limitations of claims 11, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 17 depends from and, therefore, includes all the limitations of claims 16, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

**CONCLUSION**

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

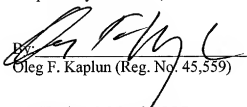
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Respectfully submitted,

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